

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SERGEY SPITSYN,
Plaintiff,
v.
RICHARD MORGAN, *et al*,
Defendants.

Case No. C04-5134FDB

ORDER DENYING PLAINTIFF'S
MOTION AMENDING
DEFENDANTS AND
REQUESTING DISCLOSURE OF
PROPER NAMES

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's filing of a motion amending defendants and requesting disclosure of proper names (Dkt. #58) and an "amendment of defendants to this cause of action" (Dkt. #59). After reviewing the motion and "amendment" and the balance of the record, the Court finds and orders as follows:

Plaintiff filed this motion on the same day he filed his amended complaint. (Dkt. #57-#58). In his motion, he seeks to add certain named individuals as defendants, stating that the Court should look to the amended complaint "for each person's involvement or reason why they are being amended." Plaintiff's Motion Amending Defendants and Request Disclosure of Proper Names ("Plaintiff's Motion"), p. 2. It is

1 plaintiff's responsibility, however, to set forth in his motion or memorandum in support thereof, if any, the
2 bases for granting his request. In other words, the Court will not search through plaintiff's 66-page
3 amended complaint in an attempt to determine whether such bases are valid.

4 In any event, the Court via separate order has directed plaintiff to file a second amended complaint
5 because he did not limit that complaint to only himself as plaintiff as directed to do so by the Ninth Circuit
6 Court of Appeals. See Order to Show Cause, dated the same date herewith. For this reason, that portion
7 of his motion seeking to amend defendants (Dkt. #58) and his "amendment of defendants to this cause of
8 action" (Dkt. #59) hereby are DENIED. Plaintiff also requests defendants or their counsel be required to
9 "provide a correct spelling of each person's name, and their employment position at the time of their
10 alleged violations." Plaintiff's Motion, p. 2. However, neither defendants nor their counsel are required to
11 provide such information at this stage of the proceedings, i.e., prior to service and the commencement of
12 discovery. Accordingly, that portion of plaintiff's motion seeking the proper names and positions of
13 defendants (Dkt. #58) hereby is DENIED as well.

14 Finally, plaintiff also requests that because the defendants plaintiff seeks to add "will automatically
15 be represented by the Office of the Attorney General," he be allowed to serve "the summons and amended
16 complaint upon the current Assistant Attorney General Brian G. Maxey, whom [sic] represents all of the
17 defendants at this time." Plaintiff's Motion, p. 2. Defendants suggest, however, service be done pursuant
18 to Federal Rule of Civil Procedure 4. The undersigned agrees. Unless defendants waive service, plaintiff is
19 required to serve the summons and second amended complaint on each named defendant in accordance
20 with the requirements of the Federal Rules of Civil Procedure.

21 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

22 DATED this 19th day of April, 2006.

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26 Karen L. Strombom
27 United States Magistrate Judge
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